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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/762,700      | 01/22/2004  | Patrick Adam Barry   | RSW920030260US1     | 5205             |

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| EXAMINER |
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RAYYAN, SUSAN F

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| ART UNIT | PAPER NUMBER |
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2167

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/762,700 | <b>Applicant(s)</b><br>ADAM BARRY ET AL. |  |
|                              | <b>Examiner</b><br>Susan F. Rayyan   | <b>Art Unit</b><br>2167                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/22/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-26 are pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on January 22, 2004 was filed before First Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "said first semantic tree". There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-12, 15-21,24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2002/0002920 issued to Andrew M. Prohel et al ("Prohel") and US Patent Number 6,631,184 issued to Moshe Weiner (Weiner").**

As per independent claim 1 Prohel teaches:

a processor (Figure 6, paragraph 59, processor);

a memory connected to said processor (Figure 6);

an input device connected to said processor (paragraph 18, PDA, mobile phone, portable computer);

an output device connected to said processor (paragraph 18, PDA, mobile phone, portable computer);

and a short-range transceiver connected to said processor, said processor, said memory, said input device, said output device, and said transceiver being contained

within a case configured for portability (paragraph 18, PDA, mobile phone, portable computer and paragraph 17, lines 6-8, wireless communication);

said processor being configured for receiving, from said input device, a first set of ratings for ... subject (paragraph 19-20, user history information editor to associate ratings and comments concerning digital content), receiving, through said transceiver, a second set of ratings for ... (paragraph 28, review received digital content having associated user history information) updating ones of said first set of ratings by merging with corresponding ones of said second set of ratings (paragraph 30, aggregate ratings).

Prohel does not explicitly teach "ones of plurality of subjects". Weiner does teach this limitation at column 2, lines 54-column 3, line 7, providing ratings and feed back with regard to products and services based on communities to enable users to receive ratings and feedback on products and services of interest at column 5, lines 5-10. It would have been obvious to one of ordinary skill in the art to modify Prohel with a plurality of subjects to enable users to receive ratings and feedback on products and services of interest at column 5, lines 5-10.

As per claim 2, same as claim arguments above and Prohel teaches:

wherein said transceiver uses Bluetooth technology (paragraph 17, line 8).

As per claim 3, same as claim arguments above and Prohel teaches:

wherein said transceiver uses WiFi technology (paragraph 17, line 9).

As per claim 4, same as claim arguments above and Weiner teaches:

further comprising receiving, from said input device, a first set of indications of interest regarding additional ones of said plurality of subjects, whereby receipt of ratings is triggered for said additional ones of said plurality of subjects by said first set of indications of interest (column 10-15, create new category, column 9, lines 6-14, retrieve ratings/feedback).

As per claim 5, same as claim arguments above and Prohel teaches:

wherein said processor is configured to update ones of said first set of ratings by calculating, for each item updated, a new weighted rating based on an existing weighted rating from said first set of ratings, an existing weighted rating from said second set of ratings, and a similarity factor between said first set of ratings and said second set of ratings (paragraph 30, aggregate ratings).

As per claim 6, same as claim arguments above and Prohel teaches:

wherein said processor is configured to update ones of said first set of ratings by calculating, for each item updated, a new weighted rating based on an existing weighted rating from said first set of ratings, an existing individual rating from said second set of ratings, and a similarity factor between said first set of ratings and said second set of ratings(paragraph 30, aggregate ratings).

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As per claim 7, same as claim arguments above and Pahel teaches:

wherein said processor is configured to update ones of said first set of ratings by merging, for each item, a second semantic tree from said second set of ratings into a first semantic tree from said first set of ratings, then calculating a new weighted rating based on said first semantic tree (paragraph 30).

As per claim 8, same as claim arguments above and Prohel teaches:

wherein said processor is configured to add comments from said second set of ratings into said first set of ratings (paragraph 29-30, view user history and aggregate ratings).

As per claim 9, same as claim arguments above and Prohel teaches:

wherein said device is from the group consisting of a personal digital assistant, a laptop computer, and a cellular phone (paragraph 18, lines 1-3, PDA, laptop, cell).

As per independent claim 10, Prohel teaches:

storing, on a portable computing device, a first set of ratings for ones of a plurality of subjects (paragraph 19-20, user history information editor to associate ratings and comments concerning digital content );

encountering, through a short-range transmission device, a user having a second set of ratings for ... (paragraph 28, review received digital content having associated user history information);

receiving, through said short-range transmission device, ones of said second set of ratings(paragraph 28, review received digital content having associated user history information);

and updating ones of said first set of ratings and ones of said first set of indications of interest by merging with corresponding ones of said second set of ratings(paragraph 30, aggregate ratings).

Prohel does not explicitly teach and a first set of indications of interest regarding additional ones of said plurality of subjects and ones of said plurality of subjects. Weiner does teach these limitations (column 10-15, create new category, column 9, lines 6-14, retrieve ratings/feedback) and (column 2, lines 54-column 3, line 7, providing ratings and feed back with regard to products and services based on communities) to enable users to receive ratings and feedback on products and services of interest at column 5, lines 5-10. It would have been obvious to one of ordinary skill in the art to modify Prohel and a first set of indications of interest regarding additional ones of said plurality of subjects and ones of said plurality of subjects

As per claim 11, same as claim arguments above and Prohel teaches:

wherein said storing step further comprising storing a policy to guide which sets of ratings are accepted and said receiving step or said merging step is performed dependent on said policy being met (paragraph 25, lines 10-13, user history information may be hidden or visible to all or a subset of users).



As per claim 12, same as claim arguments above and Prohel teaches wherein said merging step is performed dependent on said second set of ratings having a similarity of at least a given level to said first set of ratings (paragraph 31, rating based on implicit information such as amount of time content was accessed).

As per claim 15, same as claim arguments above and Pahel teaches: wherein said merging step comprises receiving a plurality of individual responses for each of ones of said plurality of subjects and storing said plurality of individual responses in a semantic tree network for said subject (paragraph 30).

As per claim 16, same as claim arguments above and Pahel teaches: wherein a rating for one of said plurality of subjects is calculated by summing all collected responses in a semantic tree network for said one of said plurality of subjects (paragraph 30).

As per claim 17, same as claim arguments above and Prohel teaches: wherein said merging step comprises calculating a rating by summing a first rating of said first set of ratings and a corresponding second rating of said second set of ratings, using a weighting factor (paragraph 30).

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As per claim 18, same as claim arguments above and Prohel teaches:

wherein said short-range transmission device utilizes Bluetooth technology(paragraph 17, line 8).

Claims 19-21, 24-26 are rejected based on the same rationale as claims 10-12, 15-17.

**Claims 13-14, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2002/0002920 issued to Andrew M. Prohel et al (“Prohel”) and US Patent Number 6,631,184 issued to Moshe Weiner (Weiner”) in view of US Patent Application Number 2006/0156337 issued to Eric Thelen et al (“Thelen”).**

As per claim 13, same as claim arguments above and Prohel and Weiner do not explicitly teach broadcasting a request for ratings. Thelen does teach this limitation (at paragraph 85 requesting ratings) to exert influence on the programs of other users in the community at paragraph 85, lines 1-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Prohel and Weiner with broadcasting a request for ratings to exert influence on the programs of other users in the community at paragraph 85, lines 1-4.

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As per claim 14, same as claim arguments above and Prohel and Weiner do not explicitly teach the step of responding to a broadcast of a request for ratings. Thelen does teach this limitation (at paragraph 86 receiving ratings) to exert influence on the programs of other users in the community at paragraph 85, lines 1-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Prohel and Weiner with responding to a broadcast of a request for ratings to exert influence on the programs of other users in the community at paragraph 85, lines 1-4.

Claim 22 is rejected based on the same rational as claim 13.

Claim 23 is rejected based on the same rational as claim 14.

**Contact Information**


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan Rayyan

July 21, 2006

  
Primary Examiner  
Art Unit 2167